



**CITY COUNCIL  
MEETING MINUTES**

**JANUARY 19, 2010 7:30 PM**

**I. CALL TO ORDER**

**A. Flag Salute**

Deputy Mayor Singer called the meeting to order at 7:30 p.m. and led those in attendance in the Pledge of Allegiance.

**B. Roll Call**

Councilmember present: Rich Wagner, Sue Singer, Nancy Backus, Bill Peloza, Lynn Norman, Virginia Haugen, and John Partridge.

Staff members present: Chief of Police Jim Kelly; Information Services Director Lorrie Rempher; City Attorney Daniel B. Heid; Acting Planning Director Kevin Snyder; Parks, Arts and Recreation Director Daryl Faber; Public Works Director Dennis Dowdy; Human Resources and Property/Risk Management Director Brenda Heineman; Finance Director Shelley Coleman; Emergency Preparedness Manager Sarah Miller; Public Arts Coordinator Maija McKnight; and City Clerk Danielle Daskam.

**C. Announcements and Appointments**

**1. Announcements**

**a) Proclamation – Miss Washington Devanni Partridge**

On behalf of Mayor Lewis and City Councilmembers, Deputy Mayor Sue Singer read and presented a proclamation honoring Devanni Partridge, winner and title holder of the 2009 Miss Washington Scholarship Pageant.

Devanni Partridge is a native of Auburn and a 2006 Auburn High School graduate. She is a senior at

Western Washington University pursuing a degree in Science Kinesiology and plans to continue her education as a pre-med student and a career in chiropractic and physical therapy.

Devanni will represent the City of Auburn and the State of Washington at the Miss America Pageant January 24 through 30, 2010 in Las Vegas, Nevada. Councilmembers extended their well wishes to Devanni as she vies for the Miss America crown.

Devanni thanked the Mayor and Council for their support. Devanni was accompanied by her parents, Councilmember John Partridge and Shirlee Partridge.

## **2. Appointments**

### **a) Arts Commission**

City Council to confirm the following reappointments to the Arts Commission for three year terms expiring December 31, 2012:

Deborah Deal  
Tanya Rottle

Councilmember Wagner moved and Councilmember Norman seconded to confirm the appointment of Deborah Deal and Tanya Rottle to the Arts Commission.

MOTION CARRIED UNANIMOUSLY. 7-0.

### **D. Agenda Modifications**

There was no change to the agenda.

## **II. CITIZEN INPUT, PUBLIC HEARINGS & CORRESPONDENCE**

### **A. Public Hearings**

No public hearing was scheduled for this evening.

### **B. Audience Participation**

*This is the place on the agenda where the public is invited to speak to the City Council on any issue. Those wishing to speak are reminded to sign in on the form provided.*

There was no request from the audience to address the Council.

**C. Correspondence**

There was no correspondence for Council review.

**III. COUNCIL COMMITTEE REPORTS**

A3.7.6

**A. Municipal Services**

Chair Peloza reported the Municipal Services Committee met January 11, 2010. The Committee reviewed Resolution No. 4555 relating to a grant for the purchase of a disaster emergency response trailer, Resolution No. 4556 accepting a grant to provide equipment for the Community Emergency Response Team, and Resolution No. 4557 accepting a grant to provide equipment to the Citizen Corps Programs. The Committee discussed the King County Draft 2009 Solid Waste Management Comprehensive Plan, the planned closure of the Algona transfer station, Ordinance No. 6275 relating to parking, and Resolution No. 4553 accepting a grant in the amount of \$116,154 for implementation of the 2010-2011 Waste Reduction and Recycling Program. The next regular meeting of the Municipal Services Committee is scheduled for January 25, 2010 at 4:00 p.m.

**B. Planning & Community Development**

Chair Norman reported the Planning and Community Development Committee met January 11, 2010. The Committee reviewed Ordinance No. 6290 relating to membership on the Planning Commission and Resolution No. 4546 relating to visual public arts. The Committee also discussed Resolution No. 4558 relating to the Mill Creek restoration project and the Committee's matrix. The Committee also discussed a proposal to hold a joint meeting with the Public Works Committee in order to review updates to the City's current floodplain and flood hazard area regulations. The joint meetings are anticipated to be held January 26 and February 9, 2010. The next regular meeting of the Planning and Community Development Committee is scheduled for January 25, 2010 at 5:00 p.m.

**C. Public Works**

Chair Wagner reported the Public Works Committee met this afternoon at 3:30. The Committee conducted an executive session in order to discuss pending/potential litigation. The Committee also approved a right-of-way use permit for a groundwater monitoring

well, advertisement for bids for the 2009 Sewer and Storm Station Replacement – Phase A, Dogwood Sewer Station, final pay estimate for Project CP0611 - M Street NE/Harvey Road and 8<sup>th</sup> Street NE Improvements, final pay estimate for Project CP0767 - Mohawk Plastics Wetland Mitigation Improvements and Ordinance No. 6286 relating to utility rates. The Committee discussed Ordinance No. 6257 relating to parking, Ordinance No. 6290 relating to membership on the Planning Commission, Resolution No. 4558 relating to the Mill Creek Restoration Project, the year end report for the Save Our Streets (SOS) Program, fees for storm water permits, and relinquishment of a slope easement for North Tapps Estates. The Committee also held a work session on the design standards update for grading and filling. The next regular meeting of the Public Works Committee is scheduled for February 1, 2010. The Committee will also meet in a joint session with the Planning and Community Development Committee on January 26, 2010.

**D. Finance**

Chair Backus reported the Finance Committee met this evening at 6:30. The Committee approved claims and payroll vouchers and Resolution No. 4562 relating to acquisition of property from Safeway for access to City property in lieu of condemnation. The Committee also discussed Resolution No. 4553 accepting a grant in the amount of \$116,154 for implementation of the 2010-2011 Waste Reduction and Recycling Grant Program, Resolution No. 4555 accepting a grant for emergency management, Resolution No. 4556 accepting a grant for the Community Emergency Response Team Program, and Resolution No. 4557 accepting a grant for emergency management to provide equipment to the Citizen Corps Program. The Committee also held an executive session to discuss pending and potential litigation. The next regular meeting of the Finance Committee is scheduled for February 1, 2010 at 6:30 p.m.

**E. Community Center**

The Community Center Committee has not met since the last Council meeting.

**F. Downtown Redevelopment**

The Downtown Redevelopment Committee has not met since the last Council meeting.

**IV. REPORTS**

*At this time the Mayor and City Council may report on significant items associated with their appointed positions on state, regional and local organizations.*

**A. From the Council**

Councilmember Norman reported on a recent meeting of the Barrier Free Playground Task Force. Councilmember Norman expressed satisfaction with the project's progress and the support garnered by the project from the community. Councilmember Norman also reported on a recent meeting of the Puget Sound Regional Council Growth Management Policy Board.

Councilmember Backus reported that she attended her first meeting as a member of Valley Regional Fire Authority (VRFA) Board meeting.

Councilmember Pelosa announced that he was elected as Caucus Chair of the King County Regional Water Quality Committee. Councilmember Pelosa reported he attended the monthly meeting of the King County Solid Waste Management Advisory Committee where discussion included the Solid Waste Division Master Schedule and the proposed Secure Medicine Return Bill. Councilmember Pelosa also attended the Auburn Airport Advisory Board meeting held earlier today. The Airport Advisory Board discussed Airport storm water design update, airport rules and regulations, the roof for hangar rows 9 and 10, traffic pattern options for noise abatement, and vandalism of the storm pond netting at the north end of the airport.

**V. CONSENT AGENDA**

*All matters listed on the Consent Agenda are considered by the City Council to be routine and will be enacted by one motion in the form listed.*

**A. Minutes**

- 1. Minutes of the January 4, 2010 regular City Council meeting.**

**B. Vouchers**

F4.9.2, F4.9.5

- 1. Claims**

**2009 claims** check numbers 391655, 391657 through 391658, and 391661 through 391916 in the amount of \$4,201,180.62 and dated January 19, 2010.

**2010 claims** check numbers 391654, 391656, 391659 through 391660 and 391917 through 391978 in the amount of \$361,953.30 and dated January 19, 2010.

**2. Payroll**

Payroll check numbers 528114 to 528222 in the amount of \$803,637.70 and electronic deposit transmissions in the amount of \$1,271,950.08 for a grand total of \$2,075,587.78 for the pay period covering January 1, 2010 to January 13, 2010.

**C. Contract Administration**

**1. Public Works Project Number CP0611**

O4.9.1 CP0611

City Council approve Final Pay Estimate No. 4 to Contract 09-06 in the amount of \$135,955.02, for a total contract price of \$1,424,084.06, with Titan Earthwork, LLC and accept construction of Project No. CP0611, M Street NE/Harvey Road and 8<sup>th</sup> Street Improvements.

**2. Public Works Project Number CP0767**

O4.9.1 CP0767

City Council approve Final Pay Estimate No. 3 to Contract No. 09-13 in the amount of \$140,345.39, for a total contract price of \$261,604.27, with Reed Trucking & Excavating and accept construction of Project No. CP0767, Mohawk Plastics Wetland Mitigation Improvements.

Councilmember Wagner moved and Councilmember Backus seconded to approve the Consent Agenda.

Councilmember Haugen indicated she planned to vote against the Consent Agenda because she opposes payment of some of the claims vouchers.

MOTION CARRIED. 6-1. Councilmember Haugen voted no.

**VI. UNFINISHED BUSINESS**

There was no unfinished business.

**VII. NEW BUSINESS**

There was no new business.

**VIII. ORDINANCES AND RESOLUTIONS**

**A. Ordinances**

**1. Ordinance No. 6286**

F4.3

An Ordinance of the City Council of the City of Auburn, Washington amending Sections 13.06.360, 13.20.440, and 13.48.100 of the Auburn City Code relating to utility rates

Councilmember Wagner moved and Councilmember Pelozo seconded to introduce and adopt Ordinance No. 6286.

Councilmember Partridge inquired regarding the impact of the utility rate ordinance on the average household. Deputy Mayor Singer reported that the average household will be paying an additional \$3.48 per month for water, sewer and storm utilities combined in 2010.

MOTION CARRIED. 6-1. Councilmember Haugen voted no.

**2. Ordinance No. 6290**

O3.8

An Ordinance of the City Council of the City of Auburn, Washington, amending Chapter 2.45 of the Auburn City Code relating to the Planning Commission

Councilmember Norman moved and Councilmember Backus seconded to introduce and adopt Ordinance No. 6290.

In response to questions from Councilmembers, Councilmember Norman explained that the youth representative member is a nonvoting member but has all the rights and privileges of a voting member to participate in all activities and functions of the Planning Commission. The youth representative appointment is for one year for a student in their senior year. City Attorney Heid added that the youth representative appointment is to be used as a

training tool and provide the Commission with a perspective from the youth. .

MOTION CARRIED UNANIMOUSLY. 7-0.

**B. Resolutions**

**1. Resolution No. 4546**

O5.1.3

A Resolution of the City Council of the City of Auburn, Washington, directing staff to include in the budgets for public facilities one percent for the arts

Councilmember Norman moved and Councilmember Backus seconded to adopt Resolution No. 4546.

MOTION CARRIED. 6-1. Councilmember Haugen voted no.

**2. Resolution No. 4553**

F5.3

A Resolution of the City Council of the City of Auburn, Washington, authorizing the acceptance and appropriation of grant funds in the amount of One Hundred Sixteen Thousand One Hundred Fifty Four Dollars (\$116,154.00), and authorizing the Mayor and City Clerk to execute an Interlocal Agreement between King County and the City of Auburn to accept said funds for implementation of the 2010-2011 Waste Reduction and Recycling Grant Program

Councilmember Pelosa moved and Councilmember Partridge seconded to adopt Resolution No. 4553.

MOTION CARRIED UNANIMOUSLY. 7-0.

**3. Resolution No. 4555**

F5.3, O1.8

A Resolution of the City Council of the City of Auburn, Washington, authorizing the acceptance of a grant from the King County Office of Emergency Management in the amount of Fifteen Thousand Dollars (\$15,000) to purchase a disaster emergency response trailer



Councilmember Peloza moved and Councilmember Partridge seconded to adopt Resolution No. 4555.

MOTION CARRIED UNANIMOUSLY. 7-0.

**4. Resolution No. 4556**

F5.3, O1.8

A Resolution of the City Council of the City of Auburn, Washington, authorizing the acceptance of a grant from the King County Office of Emergency Management in the amount of Six Thousand Eight Hundred Fifty Three Dollars and Eighty Cents (\$6853.80) to provide equipment to King County Community Emergency Response Team (CERT) Programs

Councilmember Peloza moved and Councilmember Partridge seconded to adopt Resolution No. 4556.

MOTION CARRIED UNANIMOUSLY. 7-0.

**5. Resolution No. 4557**

F5.3, O1.8

A Resolution of the City Council of the City of Auburn, Washington, authorizing the acceptance of a grant from the King County Office of Emergency Management in the amount of Twenty Five Thousand Dollars (\$25,000) to provide equipment to King County Citizen Corps Programs

Councilmember Peloza moved and Councilmember Partridge seconded to adopt Resolution No. 4557.

MOTION CARRIED UNANIMOUSLY. 7-0.

**6. Resolution No. 4562**

A3.13.4

A Resolution of the City Council of the City of Auburn, Washington, authorizing the Mayor and City Clerk to execute an Agreement between the City of Auburn and Safeway, Inc. for city purchase of property from Safeway, Inc. in lieu of condemnation

Councilmember Backus moved and Councilmember Norman seconded to adopt Resolution No. 4562.

In response to questions from Councilmembers, City Attorney Heid explained that the City owns a piece a property near the Safeway distribution center that has no direct access to a public right-of-way. The City attempted to negotiate the purchase of a 1.2 acre portion of the Safeway property to provide access to the City property. When negotiations became unproductive, the City pursued condemnation action. Safeway and the City subsequently negotiated a favorable settlement for the purchase and sale of the 1.2 acre parcel.

MOTION CARRIED UNANIMOUSLY. 7-0.

**IX. Executive Session**

At 8:12 p.m., Deputy Mayor Singer recessed the meeting for a five minute intermission and then to executive session for approximately thirty minutes for the purpose of discussing pending/potential litigation pursuant to RCW 42.30.110(1)(i). Staff members required for the executive session were: City Attorney Heid, Acting Planning Director Snyder, Human Resources and Risk/Property Management Director Heineman, and Finance Director Coleman.

Prior to convening in executive session, Councilmember Haugen was excused from the remainder of the meeting due to illness.

Deputy Mayor Singer reconvened the meeting at 8:38 p.m.

City Attorney Heid read the title of Resolution No. 4563:

**Resolution No. 4563**

A Resolution of the City Council of the City of Auburn, Washington, authorizing the Mayor to sign the 2010 Lake Tapps Area Water Resources Agreement

City Attorney Heid explained that the Resolution authorizes an agreement which would settle a longstanding litigation that the City has been involved in with Cascade Water Alliance regarding water rights.

Councilmember Wagner moved to adopt Resolution No. 4563 with the following change to Exhibit A, page 5, paragraph 4, to read as follows: "Cascade shall have no other obligations or involvement in any water right applications submitted by the Four Cities utilizing the Regional Reserved Water. Any concerns Cascade may have regarding a City's application shall be raised

pursuant to the dispute resolution provisions of Section 18 of this Agreement, prior to pursuing any legal action, including administrative appeal.”

Motion was seconded by Councilmember Peloza.

MOTION CARRIED UNANIMOUSLY. 6-0.

**X. ADJOURNMENT**

There being no further business to come before the Council, the meeting adjourned at 8:40 p.m.

APPROVED THE \_\_\_\_\_ DAY OF FEBRUARY 2010.

\_\_\_\_\_  
Peter B. Lewis, Mayor

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Danielle Daskam, City Clerk

*City Council agendas and minutes are available to the public at the City Clerk's Office, on the City website, and via e-mail. Complete agenda packets are available for review at the City Clerk's Office and at the Library.*

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